REMARKS

Claim Rejections

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wu (DE-29618431). Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu in view of Lin (US 6, 016,822). Claims 6-8 and 10-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu in view of Schultes (US 4,687,012). Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu in view of Schultes, as applied to claim 8, and further in view of Vogel (US 2,989,968).

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

Claim Amendments

By this Amendment, Applicant has canceled claims 3 and 5 and has amended claims 1, 8 and 9 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

In the present invention, the reinforcing ribs of the tubes having centers (Y) of a curvature radii of a reinforcing ribs (10) radially aligned to be a radial line ® which is radially aligned with a longitudinal axis (X) of a central shaft. Every two neighboring tubes defining a tiny annular aperture (A) between the two neighboring tubes. By the way, the tubes of the present invention may be telescopically slidably engaged with one another to prevent from frictional contacting between any two neighboring tubes and to prevent from vibration or twisting of the tubes when opening or closing the umbrella.

The aperture (A) is so tiny so that many many tubes can be telescopically engaged with one another, thereby making a multiple-fold umbrella with a number

of folds of tubes, which is the so called Super-shortened Multiple-fold Umbrella Shaft of this application.

The primary reference to Wu (also owned by the same applicant of this application) as cited by the Examiner is distinguishable from amended claim 1 of the present invention.

Reviewing the Exhibit 1 (inferentially illustrated for Wu), shown below, even Wu never alleged a reinforcing thickening portion (Rf) formed in an angled portion between two arcuate rectangular sides neighboring each other, the reinforcing thickening portions (Rf) do not disclose or define the centers of curvature radii as taught by the present invention so that the angled portion of an inner tube may be biased to be even dogged at a corner of the thickening portion (Rf) of the outer tube as inferentially illustrated in Exhibit 1, causing unsmooth telescopic sliding movement when extending or retracting the tubes of the umbrella shaft.

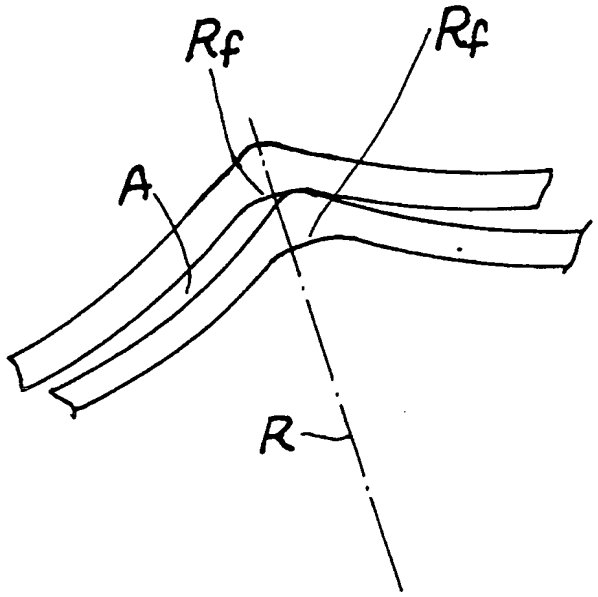

Exhibit 1

Comparatively, the present application has the advantages for preventing twisting, vibration and may have smooth touch-feeling since all the shaft tubes having smooth outer cylindrical surfaces, rather than the angled portions of the

tubes as taught by Wu. The tubes will not injure the user's hand because of such a smooth cylindrical surfaces of the tubes of this application. All the ribs (10) of the present invention are recessed inwardly from the outer cylindrical tube surfaces, forming no acute angled portions which may injure the user.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Wu does not disclose each and every feature of Applicant's amended claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Wu cannot be said to anticipate any of Applicant's amended claims under 35 U.S.C. § 102.

Even if the teachings of Wu, Lin, Schultes, and Vogel were combined, as suggested by the Examiner, the resultant combination does not suggest: said reinforcing ribs of said tubes having centers of the curvature radii of said reinforcing ribs radially aligned to be a radial line which is radially aligned with a longitudinal axis of the central shaft; nor does the combination suggest said inner tube and said outer tube defining a tiny annular aperture homogeneously in between the two neighboring tubes having the reinforcing ribs of the inner tube slidably engaged with the reinforcing ribs of the outer tube to prevent from frictional contacting between the two neighboring tubes to enhance a smooth sliding movement of the tubes when folding or unfolding the tubes for closing or opening the umbrella.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

> The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to

> attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

> As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

> We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Wu, Lin, Schultes, or Vogel that their respective teachings may be combined as suggested

by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Wu, Lin, Schultes, nor Vogel disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's amended claims.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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